

**Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.**

200 West Adams Street, Suite 2850  
Chicago, Illinois 60606-5234

TELEPHONE: (312) 236-8500

FACSIMILE: (312) 236-8176

**FACSIMILE COVER SHEET****TO:**

Examiner Hien Xuan Vo  
Commissioner for Patents

**NUMBER OF PAGES  
(INCLUDING THIS  
TRANSMITTAL  
SHEET):**

8

**FAX:**

703-872-9306

**PHONE:****DATE:**

February 24, 2004

**FROM:**

Andrew G. Kolomayets, Esq.

**REFERENCE:**

Our Ref.: 0329-0006 (Previously HOM 100)

**MESSAGE:**

Filing of Response After Final

**RECEIVED  
CENTRAL FAX CENTER**

FEB 24 2004

**OFFICIAL**

**If you experience difficulty receiving this facsimile transmission, or a portion thereof, please contact May Casimiro at 312-236-8500 for immediate assistance.**

The information contained in this facsimile is intended only for the use of the individual or entity named above and those properly entitled to access to the information and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this transmission is not the intended or authorized recipient, you are hereby notified that any unauthorized distribution, dissemination, or duplication of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone or facsimile. Thereafter, please destroy all pages received. Thank you.

0329

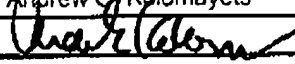
PTO/SB/21 (03-03)

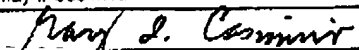
Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/869,487	
	Filing Date	June 28, 2001	
	First Named Inventor	Klaus Homann, et al.	
	Art Unit	2863	
	Examiner Name	Hien Xuan Vo	
Total Number of Pages in This Submission	•	Attorney Docket Number	0329-0006 (HOM 100)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Other documents included: - Petition For Extension of Time (PTO/SB/22) - Certificate of Transmission via Facsimile		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Andrew G. Kolomayets
Signature	
Date	February 24, 2004

CERTIFICATE OF TRANSMISSION/MAILING VIA FACSIMILE			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as required in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>February 24, 2004</u> <b>FACSIMILE</b>			
Typed or printed	May I. Casimiro		
Signature		Date	February 24, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

RECEIVED  
CENTRAL FAX CENTER

FEB-24-2004 14:57

3122368176

3122368176

P.04/08

FEB 24 2004

OFFICIAL  
PATENT

Attorney Docket No. 0329-0006 (HOM 100)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Klaus Homann, et al.

Application No.: 09/869,487

Filed: June 28, 2001

Title: GEOREFERENCED MONITORING  
SYSTEM

Group Art Unit: 2863

Examiner: Hien Xuan Vo

Docket No.: 0329-0006 (HOM 100)

I hereby certify that this correspondence is  
being sent via facsimile to the  
Commissioner for Patents, Alexandria, VA  
at: (703) 308-5253

NAME: May I. Casimiro  
(TYPED OR PRINTED)

SIGNATURE: *May I. Casimiro*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE AFTER FINAL REJECTION**

Sir/Madam:

This is in response to the Office Action of September 24,  
2003, wherein all of the pending claims of the above-identified  
patent application were finally rejected.

At the outset, Applicants would like to express their  
appreciation to Examiner Vo for agreeing to the telephonic  
interview of February 2, 2004 with the undersigned, and for the  
courtesy with which the interview was conducted. As set forth

in the Interview Summary mailed on February 3, 2004, agreement was reached that upon submitting this summary of the Applicants' arguments, the final rejection would be withdrawn and an updated search will be conducted.

During the interview, the undersigned questioned the propriety of the rejections of claim 11 under 35 U.S.C. 102(b). In particular, it was noted that the rejection was, verbatim, identical to the rejection previously made of cancelled claim 1 (in fact, the Office Action even referred to "claim 1").

Moreover, the rejection made no mention of the elements of claim 11 that had been added by the amendment of May 20, 2003. In the May 20 response, claim 11 was amended to recite a mobile measuring device for monitoring leaks on gas lines, including an electronic navigation system to guide an operator along a track predefined by a computer unit which links position information to topographic information about the area to be monitored stored in the computer unit to generate the predefined track, and a documentation system to document results measured by a gas testing device mounted thereon. The Office Action of September 24, 2003 provided no explanation as to where, in the art of record, these features of amended claim 11 are found.

The passages of the primary Bloomfield reference relied upon the Office did not appear to disclose the features recited in the claim. For example, in the Office Action, it was stated

that "Bloomfield disclose a computer unit with a geographic information and documentation system." The Office Action cited column 2, lines 10-14 in support of this assertion. The cited passage of Bloomfield, however, reads as follows:

In order to accomplish the above described objects, the present invention comprises: a micro-computer for discriminating a generation of an abnormal state arising within a monitoring region of space and controlling a state in which a robot is to move;

Applicants respectfully submit that the cited passage does not disclose, or even suggest the device recited in amended claim 11. That the system in Bloomfield "could" include a documentation system cannot support a rejection based on 35 U.S.C. 102(b). For these reasons, Applicants questioned the propriety of this rejection.

During the interview, Applicants also questioned the Office position that the claims would have been obvious in view of the cited art, namely, the combination of the above-referenced Bloomfield patent with the patent to Henningsen. Given the above deficiencies of the Bloomfield reference, Applicants do not see the suggestion in the art for making the proposed combination. It was noted that the environments in which the Bloomfield and Henningsen devices are used are quite different, and one with knowledge of Bloomfield would not have been motivated to make the combination with Henningsen.

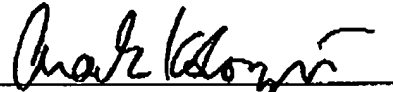
As mentioned in Applicant's previous response, Bloomfield is a "measure and react system." (See for example, the passage relied upon by the Patent Office at column 2, lines 18-24 "navigation means for emitting an object detection signal and simultaneously receiving the signal reflected from the object so that the object adjacent to the monitoring region of the space can be detected and the signal representing the object detection can be output to the microcomputer.") The device in Bloomfield does not follow a predefined track, and does not rely upon stored information regarding the typography of the area. The Bloomfield device is essentially, a device for indoor home use, and the need for the elements of claim 11 is not suggested by Bloomfield. For example, while Henningsen briefly alludes to use of a GPS system, the need for a GPS system in the Bloomfield device is unclear. In short, Applicants submit that one of skill in the art would have had little or no reason to look to Henningsen for the missing elements. For these reasons, Applicants suggested that the rejection under 35 U.S.C. 103 was also improper.

For all of the above reasons, withdrawal of the final rejection is requested, and reconsideration and allowance of the claims are respectfully solicited.

In view of the Examiner's agreement to reconsider the claims of the application, Applicants are unsure whether an

extension of time is required. If required, attached is a Petition for a 2 month extension of time with a request to charge our deposit account #50-1039 for any necessary fee.

Respectfully submitted,



Andrew G. Kolomayets  
Registration No. 33,723

COOK, ALEX, MCFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street - #2850  
Chicago, IL 60606  
(312) 236-8500